

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

PETER YELL,

Plaintiff,

-against-

9:04-CV-157
(LEK/GJD)

JOSEPH GRECO, Parole Officer (DOP);
ROBERT LAHART, Parole Officer (DOP);
THOMAS AKIN, Parole Officer (DOP);
RANDY DIAMOND, Hudson Falls Police
Detective; LLOYD SCHWARTZ JR., Glens
Falls Police Detective; KEVIN CONINE,
Glens Falls Police Detective; NEW YORK
STATE DIVISION OF PAROLE (DOP);
ROBERT DENNISON, Commissioner
of the Division of Parole; WASHINGTON
COUNTY; WARREN COUNTY,

Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on May 12, 2005 by the Honorable Gustave J. DiBianco, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York.

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," Fed. R. Civ. P. 72(b), in compliance with L.R. 72.1. In the interval of at least 15 days since the Magistrate Judge filed the subject Report-Recommendation, no objections to it have been raised. Furthermore, after examining the

record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that the motions to dismiss submitted on behalf of defendant Washington County (Dkt. No. 31, 51) be **GRANTED**, and the complaint **DISMISSED** as to defendant Washington County; and it is further

ORDERED, that the motion to dismiss submitted on behalf of defendant Warren County (Dkt. No. 39) be **GRANTED**, and the complaint **DISMISSED** as to defendant Warren County; and it is further

ORDERED, that the motion to dismiss submitted on behalf of defendant Randy Diamond (Dkt. No. 32) be **GRANTED**, and the complaint **DISMISSED** as to defendant Randy Diamond; and it is further

ORDERED, that the motion to dismiss submitted on behalf of defendants Conine and Schwartz (Dkt. No. 33) be **GRANTED**, and the complaint **DISMISSED** as to defendants Conine and Schwartz; and it is further

ORDERED, that the motion for summary judgment submitted on behalf of defendants Greco, Lahart, and Akin (Dkt. No. 48) be **GRANTED**, and the complaint **DISMISSED** as against defendants Greco, Lahart, and Akin; and it is further

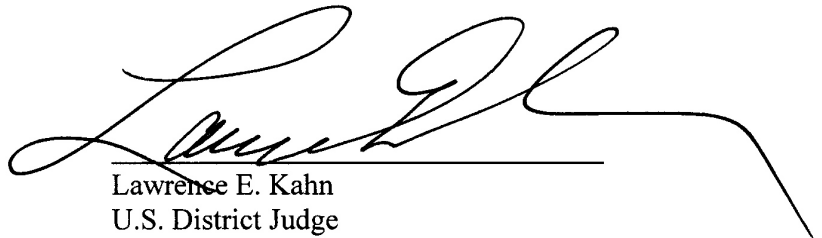
ORDERED, that the complaint be **DISMISSED SUA SPONTE** as against defendants Division of Parole and Dennison; and it is further

ORDERED, that the Plaintiff's complaint be **DISMISSED IN ITS ENTIRETY**; and it is further

ORDERED, that the Clerk serve a copy of this order on all parties.

IT IS SO ORDERED.

DATED: June 30, 2005
Albany, New York



Lawrence E. Kahn
U.S. District Judge